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November 11, 2015

VIA ECF

Hon. William J. Martini
United States District Judge
Martin Luther King Federal Building
50 Walnut Street
Newark, New Jersey 07102

Dear Judge Martini:

Re: In Re Urethane Antitrust Litigation,
Civil Action No. 08-5169 (WJM) (MF)

We are co-counsel for the plaintiffs in the referenced matter. Yesterday Dow sent by regular mail courtesy copies of the parties' submissions in connection with Dow's Motion to Exclude the Expert Testimony of Plaintiffs' Damages Expert Dr. Leslie Marx. In his accompanying cover letter, Mr. Lustberg mentions that, at Plaintiffs' request, he is also enclosing a copy of a Memorandum and Order issued by the United States District Court for the District of Kansas, dated May 16, 2014.

The Memorandum and Order that Mr. Lustberg enclosed is Judge Lungstrom's decision on Dow's *Daubert* motion when it was originally filed in Kansas. Judge Lungstrom denied Dow's motion to exclude Dr. Marx to the extent that she allegedly exceeded the scope of the substitution motion, but left the issue of whether her opinions satisfied Rule 702 to the transferor court, *i.e.*, to Your Honor. We felt that it was important that you get this Order to inform you of what portions of the motion Judge Lungstrom already decided and which portions remain. Another copy of the Order is enclosed for your convenience.

Thank you for your continuing consideration of this matter.

Respectfully submitted,

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & ANGELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI

cc: Honorable Mark Falk, U.S.M.J. (via ECF)
All counsel of Record (via ECF)